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**1 – DEQ asks Jeff Landry for permission to sue Denka over chloroprene emissions in St. John Parish, Baton Rouge Advocate, 6/12/19**

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The Louisiana Department of Environmental Quality is asking state Attorney General Jeff Landry for permission to sue Denka Performance Elastomer, saying the chemical company that for years has been embroiled in controversy over its emissions of chloroprene has violated the Clean Air Act.

**2 – Decision-makers 'more excited about gas than concerned' about drilling rig's missing safety barrier, report on fatal Quinton explosion finds, Tulsa World, 6/13/19**

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Decision-makers were more excited by “sky high” gas flares than they were concerned that a primary safety barrier was gone, leading to an explosive drilling rig blowout that killed five workers near Quinton, according to a federal investigative report released Wednesday.

**3 – U.S. Chemical Safety and Hazard Investigation Board recommends better drilling oversight as part of final report on 2018 fatal blowout, fire, The Oklahoman, 6/13/19**

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Federal investigators are recommending improved federal and state oversight of onshore drilling operations after investigating a blowout and fatal fire at a drilling site in eastern Oklahoma in early 2018.

**4 – Gert Town residents sue New Orleans over radiation found, removed from neighborhood, Baton Rouge Advocate, 6/12/19**

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Two New Orleans residents filed a lawsuit against the city Wednesday over radioactive material that workers recently dug up and removed from the Gert Town neighborhood, arguing that officials had known about the problem for years and should have relocated nearby residents while they worked to remove the material.

**5 – Confusion reigns at WOTUS hearing, E&E News, 6/12/19**

<https://www.eenews.net/eedaily/2019/06/13/stories/1060564537>

Senators at a Clean Water Act hearing expressed interest in reopening the law to clarify which wetlands and waterways it protects. But that effort would likely be stymied by the fact that participants in the Environment and Public Works Committee hearing expressed confusion over basic concepts of Clean Water Act jurisdiction.

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Senate Republicans lambasted the previous administration's water regulations as a federal power grab Wednesday in a hearing on the new policy rolled out by President Donald Trump.

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A Corpus Christi man is recovering after he contracted vibriosis, a flesh-eating bacteria, last week and underwent several life-saving surgeries.

**8 – EPA Announces Grants For Environmental Cleanup In OKC And Tulsa, KGOU, 6/12/19**

<https://www.kgou.org/post/epa-announces-grants-environmental-cleanup-okc-and-tulsa>

The Environmental Protection Agency recently awarded grants to Oklahoma City and Tulsa for the cleanup and redevelopment of brownfield sites. Journal Record editor Russell Ray discusses how the EPA defines a brownfield site, the history of the program in OKC and how communities across the nation are benefiting from the grants.

**9 – OPINION: 'Not In My Backyard' - Environmental Justice 101, Forbes, 6/12/19**

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People instinctively protect their own interests. However, the unfortunate truth is that some segments of our society are better positioned to mobilize, gather legal resources, and articulate their opposition.

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The Environmental Working Group's Children's Health Initiative found glyphosate, the main ingredient in the herbicide Roundup, in 21 samples of General Mills' products, with 17 samples having levels higher than what the group considers safe.

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## DEQ asks Jeff Landry for permission to sue Denka over chloroprene emissions in St. John Parish

BY DELLA HASSELLE AND NICK REIMANN | [dhasselle@theadvocate.com](mailto:dhasselle@theadvocate.com) [nreimann@theadvocate.com](mailto:nreimann@theadvocate.com) **UPDATED JUN 12, 2019 AT 11:05 PM**



A new regenerative thermal oxidizer (RTO) sits at the Denka Performance Elastomer plant in Laplace, La., Monday, April 9, 2018. The RTO destroys chloroprene, a chemical the U.S. Environmental Protection Agency says increases risk of cancer over a lifetime.

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The Louisiana Department of Environmental Quality is asking state Attorney General Jeff Landry for permission to sue Denka Performance Elastomer, saying the chemical company that for years has been embroiled in controversy over its emissions of chloroprene has violated the Clean Air Act.

A letter obtained by The New Orleans Advocate shows that the state agency is requesting to file a civil petition in federal court over the alleged environmental violations.

Sent to Ryan Seidemann, the section chief of land and natural resources in Landry's office, the letter also states the department's intent to sue E. I. du Pont de Nemours, which owned the plant before Denka bought it in 2015.



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Presently, thousands of plaintiffs are seeking damages against Denka in several suits scattered throughout state and federal courts.

If granted, the suit would be a rare move by state regulators to rein in a polluter, according to Wilma Subra, an environmental activist with the Louisiana Environmental Action Network.

"We may be at a major turning point here," said Subra, who has been a vocal critic of the department.

LDEQ spokesman Gregory Langley said he couldn't comment on the letter because it was a legal matter.

Denka spokesman Jim Harris also said his company doesn't comment on pending lawsuits.

The request to sue comes three years after the U.S. Environmental Protection Agency sent investigators into the Denka plant for five days to find out why it was discharging concerning amounts of chloroprene, which the agency determined to be a likely carcinogen in 2010.

An air toxics assessment released in 2015 showed that St. John Parish had the highest cancer risk from airborne pollutants of any place in the nation — largely because of the high levels of chloroprene.

In 2017, it was revealed that an EPA inspection of the LaPlace plant done the year before found about 50 potential violations of the Clean Air Act.

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The report was the result of a compliance investigation ordered by the federal agency in 2015 to determine whether the plant had violated environmental laws. As is typical in federal and state enforcement cases, the probe has continued for years while regulators get feedback from the company, which they consider when deciding whether or not to take action.

Denka has contested some of the findings.

The company uses chloroprene to produce neoprene, a synthetic used to make wetsuits, orthopedic braces, electric insulation and other products. It's the only plant in the country that produces that chemical.

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Before Denka took ownership, DuPont had produced chloroprene in St. John for about 50 years.

While DuPont had been cited by the EPA during previous routine investigations, the air toxics assessment gave federal and state agencies new impetus to better understand how the plant controlled its pollution, and it served as a catalyst for a new series of actions agreed upon by the EPA, LDEQ and the plant's new owner, Denka.

Around that time, residents also began protesting the plant, citing an EPA report that said the chemical may potentially cause cancer in addition to less dangerous conditions like headaches, dizziness and skin rashes.

The agencies began working together to monitor air quality around the plant and, after data came back showing high levels of chloroprene, Denka voluntarily entered a consent decree with the state, agreeing to retrofit the plant with new technology and reduce emissions by 85 percent.

The company spent most of 2017 working to abide by the order, retrofitting the plant with more than \$35 million worth of equipment that officials said would significantly reduce the discharge of toxic chemicals.

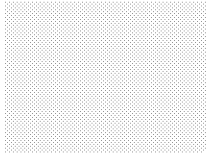
However, in May, LDEQ said the LaPlace plant had not met the reduction target and had 30 more days to come into compliance with the 2017 consent order, and could face stricter enforcement, including fines, if it didn't further reduce emissions in the near future.

According to the letter sent May 16, the company has only a few more days to fully comply.

Harris said at the time that the company's emissions rate for the second half of 2018 and preliminary numbers for 2019 both show it will meet its reduction goal.

Denka "is a responsible operator and will continue to reduce its environmental footprint where possible," he said.

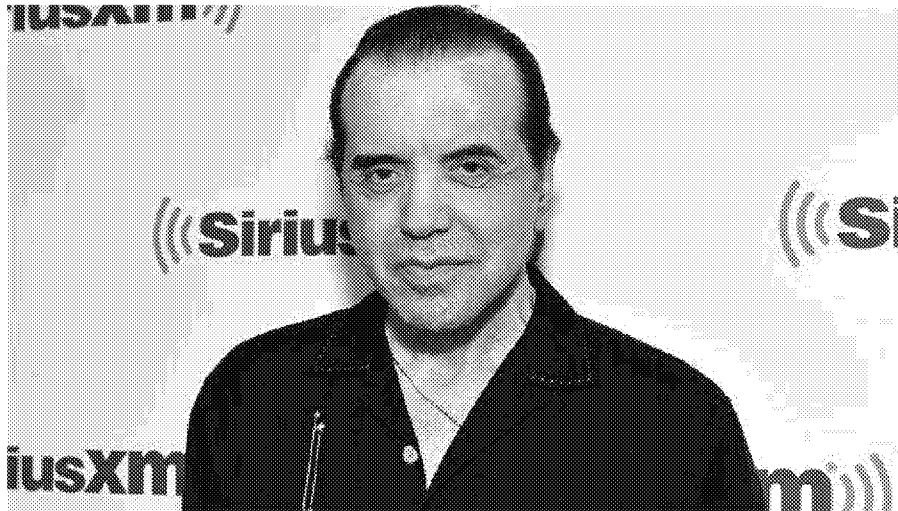
However, those reassurances have done little to assuage community members who have been breathing chloroprene for years.



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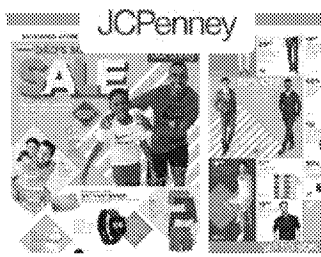




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## Decision-makers 'more excited about gas than concerned' about drilling rig's missing safety barrier, report on fatal Quinton explosion finds

By Corey Jones Tulsa World 8 hrs ago



In this photo from a frame grab from Tulsa's KOTV/NewsOn6.com, fires burn at a drilling rig near Quinton on Jan. 22. Five people were killed when a fiery explosion ripped through the drilling rig. Christina Goodvoice, KOTV/NewsOn6.com via AP

Christina Goodvoice

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Decision-makers were more excited by “sky high” gas flares than they were concerned that a primary safety barrier was gone, leading to an explosive drilling rig blowout that killed five workers near Quinton, according to a federal investigative report released Wednesday.

The U.S. Chemical Safety and Hazard Investigation Board released its completed probe of the natural gas inferno that happened an hour after sunrise on Jan. 22, 2018, in Pittsburg County.

Kristen Kulinowski, the board’s interim executive, said the disaster was “completely preventable.” She called on federal and state regulators, as well as the oil and gas industry, to use the findings and recommendations to promote safer operations.

“This was a senseless tragedy that did not need to occur,” Kulinowski said.

Red Mountain Energy, the well’s operator, disputed the CSB report in a statement. Patterson-UTI, the drilling contractor, stated that it doesn’t agree with all of the findings.

In the report, one person told investigators that he or she witnessed mud “erupting” out of a tank that “covered everything” — a sign of “a large degree of gas in the hole.” The person voiced concerns to the driller, mud engineer, geologist and company man that were disregarded.

“I told my night hand to sleep with his clothes on,” the person told investigators.

Another person reported being “on alert” because more than seven hours of flaring represented a red flag. Flaring is the practice of safely burning off gas exiting a well, which happens during “underbalanced operations” when fluid — oil or gas — enters the wellbore.

The person called it a “stupid decision” not to increase the drilling mud’s density — the first line of defense against a potential blowout — to halt the influx of gas from the rock formation.

“We had the safety meeting. I said why don’t we weight up,” that person told investigators, referring to increasing the density of the drilling mud being used. “They said we want to drill underbalanced because it will be faster. They wanted to drill underbalanced.”

The Chemical Safety Board determined the primary barrier, drilling mud, and secondary barrier, human detection, both failed. “Many factors” contributed to the loss of both barriers, including:

- Underbalanced drilling was performed without needed planning, equipment, skills or procedures.
- The day and night drillers turned off the alarm system, contributing to both drillers missing critical indications of the gas influx and an imminent blowout.
- Equipment was in an unusual alignment as the crew removed pipe from the well to replace the drill bit, creating confusion in data interpretation that caused workers to miss gas influx indications.

- A “weighted pill” intended to overbalance the well overnight apparently was miscalculated, which kept the well underbalanced.
- The safety management system in place on the rig wasn’t effective.

The blowout preventer — the final defense against an uncontrolled release of gas — didn’t fully close once activated during the blaze. The CSB determined the failure likely was because hydraulic fluid hoses that allow the equipment to function properly were burned in the fire.

“In addition, the victims had no safe escape route from the driller’s cabin (dog house) once the drilling mud and gas ignited,” the CSB report states. “The workers were effectively trapped once the fire started.”

The five workers died from thermal burn injuries, as well as smoke and soot inhalation. Their remains were found in a room where drilling operations take place on the rig floor. A sixth worker slid down a guy wire — commonly called a “geronimo line” — to escape the burning rig and suffered serious injuries.

Oklahoma City-based Red Mountain is the well’s operator. Patterson-UTI, headquartered in Houston, was the drilling contractor. Both are prominent defendants in lawsuits, and the CSB report lays out the relationships between and responsibilities of each company.

Red Mountain was responsible for developing the well plan, including its design, mud weight and daily drilling and operational decisions.

Patterson-UTI was signed as the independent contractor to perform the drilling operations “under the direction, supervision and control” of Red Mountain. Patterson-UTI was responsible for equipment and crew members. Patterson also was responsible for control of the well under the direction of Red Mountain.

The CSB describes Red Mountain and its contractors as excited for the flaring because it was indicative of a productive gas zone. One employee characterized it as the “best gas” they had seen.

“(Red Mountain Operating) leadership and its contracted representatives including the drilling engineer and company men were more excited about the gas than concerned about the implications that a barrier was lost,” according to the CSB report.

The report contains several text message conversations among “key decision-makers,” including:

- **Employee 1:** “Dude this flare is blasting off like crazy now. We are off bottom to make a connection and it just shot sky high.” **Employee 2:** “I’ll take it all day long, hopefully it carries into sunset”
- **Employee 5:** “I’m having to teach my boys how to drill in gas. Just having a barrel of fun but I like it.”
- **Employee 4:** “Good deal. We’ll keep [mud weight] in our back pocket.”

Red Mountain President Tony Say said the company is committed to transparency and safety and that its actions were “in accordance with standard industry practice” on the rig near Quinton.

“While we respect the work and authority of the U.S. Chemical Safety and Hazard Investigation Board (‘CSB’), the findings and opinions rendered in the June 12, 2019, report are inconsistent with the data we submitted, which demonstrate we were acting in accordance with standard industry practice,” Say wrote in a statement. “On the Pryor Trust well, mud weights were kept in a range which maintained well control at all times; this is the case on all Red Mountain wells.

“The large array of unfortunate human errors identified by the CSB were responsible for this catastrophic event.”

In a statement, Patterson-UTI said it fully cooperated with investigators. The company said it appreciates the professionalism of CSB and shares its goal to improve safety for the industry.

“As part of Patterson-UTI Drilling’s continuous safety improvement process, immediately following the accident we began evaluating what policies, procedures and training could be improved, and we have proactively taken measures designed to prevent an accident like this from ever happening again,” according to the company’s statement. “While Patterson-UTI Drilling does not agree with all of the findings in the report, Patterson-UTI is nevertheless evaluating what additional policies, procedures and training could be implemented to address the key issues raised in the report.”

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Actor Jason Lee talks about his new photo exhibit that is being shown at the same time as photos from Larry Clark's iconic photo book "Tulsa."



# U.S. Chemical Safety and Hazard Investigation Board recommends better drilling oversight as part of final report on 2018 fatal blowout, fire



by JACK MONEY

Published: Thu, June 13, 2019 1:04 AM | Updated: Thu, June 13, 2019 1:18 AM



This photo shows what was left of a rig owned by Patterson-UTI after the blowout and fire at the Pryor Trust 0718 1H-9 in January, 2018. [OKLAHOMAN ARCHIVES]

Federal investigators are recommending improved federal and state oversight of onshore drilling operations after investigating a blowout and fatal fire at a drilling site in eastern Oklahoma in early 2018.

The U.S. Chemical Safety and Hazard Investigation Board also is calling for the industry to modify and adopt already developed suggested planning guidelines aiming to improve drilling and completion safety at offshore wells that were created by the American Petroleum Institute after the Deepwater Horizon accident.

The recommendations were made by board officials Wednesday as part of a final report the agency issued after investigating the Jan. 22, 2018, explosion and fire at the Pryor Trust 0718 1H-9, near Quinton.

The well, targeting the Woodford Shale in the Arkoma Basin, was designed to reach a depth of 7,615 feet and a total measured length (including its lateral) of 17,799 feet.

It had been drilled to a measured depth of 13,435 feet when a decision was made to pull the rig's pipe string out of the hole so that the drilling bit could be replaced.

During that evolution, the well blew out, the report stated, because of an influx of natural gas into its bore that investigators estimate had been ongoing for 14 hours before the event occurred.

Unlike Occupational Safety and Health Administration (OSHA) and state investigatory agencies, the chemical safety and hazard



It does, however, work with state and federal regulators and other entities to try to implement its recommendations, Kristen Kulinowski, the chemical safety agency's interim executive, said Wednesday.



“First, I would like to express my condolences to the family and friends affected by this tragic accident,” Kulinowski said. “Many of the CSB’s investigations involve the loss of life, and it is part of our mission to try and prevent these incidents from reoccurring.”

A summary of the report’s findings stated the well’s primary control barrier — hydrostatic pressure that drilling mud should have created in the well bore — failed.

It also attributed the blowout to secondary failures of equipment and procedures that should have detected the gas buildup before the blowout happened.

Most lawsuits settled

Oklahomans Matthew Smith, Roger Cunningham and Parker Waldrige died in the fire, as did Josh Ray of Fort Worth, Texas, and Cody Risk of Wellington, Colorado.

About a half-dozen civil lawsuits by victims’ survivors and a man who survived the event were filed in 2018 against Red Mountain, the well owner and operator, Patterson-UTI, the drilling contractor, Crescent Consulting LLC, a well site management firm and National Oilwell Varco, which Red Mountain had hired to engineer and execute a plan to provide adequate mud for the well.

On Wednesday, an attorney representing family members one of the deceased men said Red Mountain, Patterson-UTI and Crescent have settled nearly all the cases involving the deceased victims, but noted the plaintiffs intend to take a consolidated case against National Oilwell Varco to trial in Pittsburg County District Court in November.

The board’s final report said many factors contributed to what happened, including that drilling was performed without needed planning, equipment, skills or procedures. It also noted that the poor design of the drilling rig’s doghouse prevented the men from escaping from the fire.

As for the recommendations, the board called for the American Petroleum Institute to issue a bulletin related to onshore drilling like one it issued in 2013 that created guidelines for offshore operators to develop “well construction interface documents” designed to align operator and drilling safety management systems with a given well’s plan.

The guidelines, board officials said, “facilitate communication between the lease operator and drilling contractor” that creates a safe plan to drill and complete a well.

Erik Milito, API’s vice president of Upstream and Industry Operations, said Wednesday the oil and gas industry works closely with OSHA and other regulatory agencies to enhance drilling and completion safety, noting it had developed dozens of standards under the American National Standards Institute’s accredited process that further that goal.

“We will review the report and consider its recommendations,” he said.

Regarding drilling regulations in Oklahoma, the board observed the state’s laws and rules issued by the Corporation Commission primarily aim to ensure the responsible recovery of oil and gas by regulating where wells are drilled. Commission oil and gas inspectors also oversee environmentally responsible operations of oil and gas wells and associated equipment and facilities.

Historically, the safety of workers involved in drilling operations primarily has been regulated by the U.S. Occupational Health and Safety Administration.

Consequently, the board recommends OSHA renew on-again, off-again efforts it has dabbled with since the early 1970s to specifically regulate the process of drilling onshore wells and also recommends bolstering that oversight on a state level.

“The drilling industry ... would benefit from greater clarity from a regulatory perspective concerning drilling,” its recommendations state.

That doesn’t mean OSHA doesn’t exercise oversight, however, when something goes wrong. Investigations it conducted after the Pryor Trust blowout cited Patterson-UTI, Crescent Consulting LLC, and Skyline Directional Drilling LLC, for exposing employees to fire and explosion hazards. All three companies, which face total fines of \$118,643, are contesting those violations before the agency’s health review commission.

Companies' reactions

On Wednesday, Patterson-UTI Drilling stated it does not agree with all the board’s findings in its report.


However, the company stated it also fully cooperated in the board’s investigation and shares its goal to improve onshore drilling safety as it continues to evaluate its policies, procedures and training to see what could be improved to prevent an accident “like this from ever happening again.”

“We continue to remember the five men who lost their lives in this accident, and our deepest sympathies remain with their families,” its statement reads.

Red Mountain issued a similar statement.

“Red Mountain is, and will continue to be, committed to transparency and providing safe, responsible operations in the oil and gas industry,” Red Mountain President Tony Say stated in the release.


“The large array of unfortunate human errors identified by the (board) were responsible for this catastrophic event. Our deepest sympathies continue to be with the families who were affected by this tragedy.”



**JACK MONEY**

Jack Money has worked for The Oklahoman for more than 20 years. During that time, he has worked for the paper’s city, state, metro and business news desks, including serving for a while as an assistant city editor. Money has won state and regional...

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## Gert Town residents sue New Orleans over radiation found, removed from neighborhood

BY JEFF ADELSON | [JADELSON@THEADVOCATE.COM](mailto:JADELSON@THEADVOCATE.COM) UPDATED JUN 12, 2019 AT 9:02 PM



Crews remove radium contamination beneath a Gert Town street.

Courtesy of WWL-TV

Jeff Adelson

Two New Orleans residents filed a lawsuit against the city Wednesday over radioactive material that workers recently dug up and removed from the Gert Town neighborhood, arguing that officials had known about the problem for years and should have relocated nearby residents while they worked to remove the material.

The suit, filed in Orleans Parish Civil District Court and seeking class-action status, comes after city crews and contractors in hazmat suits completed remediation work last week on Lowerline Street near Coolidge Court, near the former site of the Thompson-Hayward Chemical Co. plant.

Residents and their attorneys say they have not been able to get detailed information about the contamination or its possible health effects.

Madro Bandaries, one of the attorneys working on the case, said a key part of the suit is finding out what the levels of radiation are and whether residents should be concerned despite assurances from city officials that there will be no health effects.

“They want to find out if they’ve got health problems. They want to find out if they’re going to die sooner than they should. They want to find out what’s going to happen to their grandchildren,” Bandaries said.

Most of the information the neighborhood has been provided has come from a flyer posted on doors in the area notifying them of the work and a U.S. Environmental Protection Agency sheet of “frequently asked questions” about Radium-226, which the suit alleges is what contaminated the site.

City officials declined Wednesday to comment on the suit or the work to remove the radioactive material, citing an internal

policy that prohibits them from speaking on pending litigation.

Last week, city Communications Director Beau Tidwell told WWL-TV the remediation effort had been completed and the material removed “out of an abundance of caution.” He said there was no risk of health problems.

One of the plaintiffs, Erick Lassair, said he grew up in the neighborhood, owns a warehouse nearby and that his sisters still live right next to the site. Lassair was diagnosed with leukemia four decades ago, and he said he’s worried about potential health issues since he knows of at least two other people who had cancer and lived within a two-block radius of the former factory.

“I thought this was over with 20 years ago,” Lassair said, referring to previous work to clean up the site.

The Thompson-Hayward factory, which opened in 1941, produced a variety of pesticides and herbicides, including one of the main components in Agent Orange, before being converted to a chemical warehouse in the late 1970s.

Even after the plant closed, those in nearby areas complained of noxious odors, and by the late 1980s, Harcos Chemicals, which had purchased the site at the beginning of the decade, was ordered to remediate chemicals on the site and in the nearby sewer system.

That contamination eventually led to a nearly \$51.6 million settlement with residents of the neighborhood.

However, news articles about that suit did not mention radioactive contamination on the site, and it was not immediately clear why radium would have been used at the factory.

Radium has been used for a number of products, including

luminescent dials and watch hands, but the U.S. Nuclear Regulatory Commission does not list pesticides or other chemicals as one of its common uses.

The lawsuit alleges that the radiation was first discovered in 2013, while officials were “scanning for security threats” while the city was preparing to host the Super Bowl.

The suit alleges that if it's true the city knew about the contamination and did not warn residents, it needlessly exposed them to “illness and death.”

It adds that the city should have moved residents away from the site while the material was being removed.

Attorney Steven Rando, who is also involved in the case, charged that the city wouldn't have acted the way it did if the contamination had been found in a richer, whiter neighborhood.

"I would suggest to you if they did this in the Garden District, people would immediately be asking to evacuate and would be placed somewhere else," Rando said. "There's no relocation for these people."

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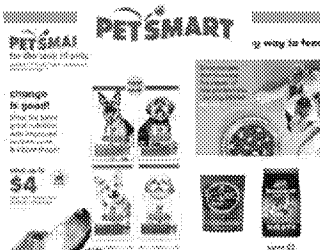
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## Confusion reigns at WOTUS hearing

Ariel Wittenberg, E&E News reporter  
Published: Thursday, June 13, 2019



Sen. Shelley Moore Capito (R-W.Va.) during a hearing on the Clean Water Act yesterday. Senate Environment and Public Works Committee

Senators at a Clean Water Act hearing expressed interest in reopening the law to clarify which wetlands and waterways it protects.

But that effort would likely be stymied by the fact that participants in the Environment and Public Works Committee hearing, including ranking member Tom Carper (D-Del.), expressed confusion over basic concepts of Clean Water Act jurisdiction.

The Clean Water Act itself says it applies to "navigable waters of the United States," a phrase it defines as meaning "waters of the United States."

The question of which wetlands and waterways qualify under that definition has been hotly contested ever since the landmark environmental law was passed in 1972 and remains a source of confusion.

Most recently, the Trump administration proposed its own definition with the WOTUS rule, which would erase protections for streams that flow only after rainfall and wetlands without surface water connections to waterways.

EPW Democrats expressed concern the rule would leave many wetlands and waterways without protections of any kind in many states, where water protections can vary.

Twenty states, for example, do not have any regulations preventing dredging, filling-in or destruction of inland wetlands. Some states also have laws on the books preventing regulators from instituting rules that are "more stringent" than the federal government.

But North Dakota Agriculture Commissioner Doug Goehring erroneously stated multiple times during the hearing that states could still enforce the Clean Water Act for waters that are not included in the definition of "waters of the United States."

"I am confused about all this discussion about this definition," he said. "States have a responsibility to the Clean Water Act to maintain and respect the law of the land. So to disregard it all and say states can't be any more strict because their legislatures won't allow it is irrelevant. You still have to maintain the law of the land."

Sen. Shelley Moore Capito (R-W.Va.) echoed the sentiment, saying she was "confused" by the concerns of Sen. Ben Cardin (D-Md.) "that wetlands would be influenced, disrupted or able to be dismantled under this new rule" if they were not included in the "waters of the United States" definition.

Carper initially pushed back multiple times against those assertions, correctly saying: "The Clean Water Act will not apply to waters removed under the Trump WOTUS rule."

"Think about that, that's true, and it's got to be of concern to all of us," he said.

But Carper appeared to become confused after Goehring pressed the issue and said Carper must be "misinformed."

"It does not matter, the Clean Water Act is the law," Goehring said. "I am confused why someone has misinformed or stated that to all of you the Clean Water Act will not be applicable if something is not jurisdictional waters. Surface and subsurface waters will be managed by someone."

Carper responded, "That is something we are going to have to drill down on and find out if it indeed is true that the Clean Water Act will not apply to waters removed under the Trump WOTUS rule.

"We need to know that with certainty," he said.

Questions around how the phrase "waters of the United States" changes Clean Water Act jurisdiction would likely undermine what appeared to be bipartisan interest in amending the Clean Water Act to clarify what the phrase means.

Cardin said he thought now was the best time for Congress to find a bipartisan solution, with Republicans controlling the Senate and Democrats controlling the House.

"I don't believe the rule suggested by the president is going to be the right answer, and I would urge us to take a more active role," he said.

Sen. John Boozman (R-Ark.) said he supported that idea, saying Congress could "come up with a commonsense approach."

# Obama Water Regulations Criticized as Senate Backs Rule Change

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MEGAN MINEIRO

June 12, 2019

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WASHINGTON (CN) — Senate Republicans lambasted the previous administration's water regulations as a federal power grab Wednesday in a hearing on the new policy rolled out by President Donald Trump.

The Environmental Protection Agency revised the rule known as Waters of the United States in December, following Trump's 2017 executive order aimed at minimizing regulations and promoting economic growth. The order limited the definition of "waters of the United States" to include only navigable waters, leaving smaller waterways at risk of contamination from pollutants and hazardous materials.

As the Senate Committee on Environment and Public Parks met to consider the revisions today, Republicans emphasized how the 2015 regulations passed under President Obama impacted the agriculture sector.

"Ranchers and farmers across the country were told that their irrigation ditches their ponds and puddles were navigable waters and could be regulated by the federal government," said Chairman John Barasso, a Wyoming Republican.

With Barasso noting that violations of the 2015 carries multimillion-dollar fines for landowners, Republicans said farmers and landowners are in the dark about how to comply.

They also insisted that the job of regulating should go to states, not the EPA.

"There is this assumption that you liberals generally have that the states are not competent to get this done, and they have to rely on the wisdom of the federal government to get this done," Senator James Inhofe of Oklahoma said.

North Dakota Department of Agriculture Commissioner Doug Goehring shared Inhofe's frustration, saying that state governments must work within the federal regulations set by the Clean Water Act, the primary federal law regulating water pollution.

But Democratic Senator Thomas Carper said the law does not ensure the safety of waters left unprotected under the Trump administration's revised policy.

“It is important for us to keep in mind the many states that can’t regulate waters more stringently than the EPA does,” said Carper, who represents Delaware.

Senator Chris Hollen, a Democrat from Maryland, similarly voiced concern that two-thirds of state laws actually prohibit establishing protection beyond the Clean Water Act regulations.

Todd Fornstrom, president of the Wyoming Farm Bureau Federation, said regulation clarity is the top concern, followed by “knowing who is going to enforce those rules.”

“We prefer the local,” Fornstrom added, “but we would like to know by looking at it what it.”

Richard Elías, from the Pima County Board of Supervisors in Arizona, said local enforcement is not always enough to protect communities from the danger of pollutants.

Strongly encouraging Congress to oppose implementing the new water regulations, Elías said the new rule would adversely affect the health and welfare of Arizonans by removing regulations on intermediate streams, which flow a few weeks or months out of the year, or ephemeral streams, which flow only in the hours following rainfall.

“It eliminates protection for virtually all of our water sources needlessly jeopardizing our drinking water, or watersheds or agricultural producers and numerous tribal nations,” Elías said.

Senator Hollen also noted that there is little incentive for states to tighten their policies if the major risk is to states downstream.

Supporting the idea that downstream flow of pollutants is an urgent issue for Congress, Elias noted that runoff from Davis-Monthan Air Force Base seeped into storm drains in January.

The toxins ended up 30 miles away polluting local communities in Pima county, Elias said.

“Protecting small ditches, protecting arroyos, protecting small tributaries is critical for us too,” Elias said. “We don’t know where those [toxic discharge] PFAs are going to end up.”

# Texas man contracts flesh-eating bacteria in Corpus Christi, undergoes life-saving surgeries

By Caleb Downs Updated 4:44 pm CDT, Wednesday, June 12, 2019



## IMAGE 1 OF 20

Adam Perez, 42, said he dipped his toes into the ocean near Waters Edge Park by downtown Corpus Christi and his right foot and leg began swelling soon thereafter. Perez was diagnosed with vibriosis and told his ... more

A Corpus Christi man is recovering after he contracted vibriosis, a flesh-eating bacteria, last week and underwent several life-saving surgeries.

Adam Perez, 42, said he dipped his toes into the water near Waters Edge Park by downtown Corpus Christi and his right foot and leg began swelling soon thereafter.

Perez said he didn't have any open wounds at the time, which the *Vibrio* bacteria typically use as entry into the body, but his right toe was infected with fungus, creating an opening between his skin and toe nail.

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Doctors prescribed him antibiotics, but the ulcer formed on his foot, Perez said. He rushed to the hospital and told his life was at risk if he didn't

It had been removed, as well as the threat to his

life.

"I'm never going to be the same anymore," he said. "I know I'm not going to walk normal."

Perez said his difficulties are hardly over. Homeless prior to the diagnosis, Perez said he will likely return to the streets after he is discharged from the hospital. He remains in the hospital, awaiting a plastic surgeon to cover his now exposed leg with skin grafts.

READ ALSO: Man dies after contracting vibrio in South Texas water

According to the CDC, about 80,000 people are infected with vibriosis, which is caused by the *Vibrio* bacteria. The bacteria live in coastal waters and increase concentration when the water warms between May and October.

People typically become infected by consuming undercooked or raw seafood or exposing an open wound to seawater.

"People with compromised immune systems, especially those with chronic liver disease, are more likely to get vibriosis. Eating raw seafood, particularly oysters, and exposing open wounds to salt water or brackish water can increase a person's chance for getting vibriosis," according to the CDC.

# EPA Announces Grants For Environmental Cleanup In OKC And Tulsa

By KATELYN HOWARD & RUSSELL RAY · 16 HOURS AGO

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*Oklahoma City's Brownfield Revolving Loan program was a factor in revitalizing a former Bricktown steelyard complex into The Steelyard retail and apartment community.*

(STEELYARD/NE PROPERTY MANAGEMENT)

The Environmental Protection Agency recently awarded grants to Oklahoma City and Tulsa for the cleanup and redevelopment of brownfield sites. Journal Record editor Russell Ray discusses how the EPA defines a brownfield site, the history of the program in OKC and how communities across the nation are benefiting from the grants.

 Listen  
4:55

*KGOU's Katelyn Howard speaks with Journal Record editor Russell Ray.*

**Full Transcript:**

**Katelyn Howard:** This is the Business Intelligence Report, a weekly conversation about business news in Oklahoma. I'm Katelyn Howard, and with me is Journal Record editor Russell Ray. It's great to have you here today, Russell.

**Russell Ray:** Thanks for having me.

**Howard:** The Environmental Protection Agency recently awarded grants to Oklahoma City and Tulsa for the cleanup and redevelopment of under used and abandoned industrial and commercial properties. Your reporter Brian Brus writes that this is part of the EPA's Brownfields Program which is intended to help underserved and economically disadvantaged communities. According to the agency's website, a study of 48 brownfield sites found that about \$29 million to \$97 million in additional local tax revenue was generated just one year after cleanup. Can you first explain how the EPA defines a brownfield site?

**Ray:** Well, a brownfield is any site that is polluted or contaminated and is in need of cleanup before it can be properly redeveloped. According to the EPA, there are more than 450,000 brownfield locations nationwide.

**Howard:** Oklahoma City received a grant for \$300,000 and Tulsa received one for \$500,000. How will this money be used in these communities?

**Ray:** Well in Tulsa, the money will be used to get rid of the asbestos in an air force building at Tulsa International Airport. In Oklahoma City, the money will be used for cleanup in the Core to Shore area between downtown and the Oklahoma River. The OKC money will also be used to fund assessments of petroleum brownfields in the city.

**Howard:** And Brian writes that the Oklahoma grants are part of a broader series of awards announced across the nation.

**Ray:** That's right. About 150 communities across the country will receive more than \$64 million in EPA brownfields funds this year. About 40% of the communities receiving these funds this year are getting the assistance for the very first time. According to the EPA, these grants have been used to leverage 150,120 jobs and more than \$28 billion in public and private funding.

**Howard:** Now this isn't the first time Oklahoma City has received a brownfields grant. Since 2006, the city has used these grants for more than 100 public and private redevelopment projects.

**Ray:** That's right. The latest grants bring the total investment to more than \$10 million. Other notable projects in Oklahoma City include the 21c Hotel, Sunshine Cleaners building, the Bricktown Fire House, the Paige Woodson Development and the Skirvin Hilton Hotel.



**Howard:** Another example of a brownfields project in Oklahoma City is The Steelyard mixed-use retail and apartment complex. Can you tell us more about this?

**Ray:** Well, last year Cornerstone Development developer Gary Brooks said the city's Brownfield Revolving Loan program and an extensive amount of technical support helped incentivize him to revitalize the former steel yard complex in Bricktown, which is located at 505 E. Sheridan Ave.

**Howard:** Russell Ray is editor of The Journal Record. Thanks for your time today, Russell.

**Ray:** My pleasure, Katelyn. Thank you.

**Howard:** KGOU and The Journal Record collaborate each week on the Business Intelligence Report. You can follow us both on social media. We're on Facebook, Instagram and Twitter: @JournalRecord and @KGOUnews. You'll find links to the stories we discussed during this episode at [JournalRecord.com](http://JournalRecord.com). And this conversation, along with previous episodes of the Business Intelligence Report are available on their website, KGOU.org. While you're there, you can check out other features and podcasts produced by KGOU and our StateImpact reporting team. This includes the latest [Capitol Insider](#) report about how Governor Kevin Stitt has decided to replace the head of the Department of Human Services with Justin Brown, the CEO of a company that owns assisted living facilities in Oklahoma and neighboring states. For KGOU and the Business Intelligence Report, I'm Katelyn Howard.

*The Business Intelligence Report is a collaborative news project between KGOU and The Journal Record.*

# 'Not In My Backyard' - Environmental Justice 101



**Marshall Shepherd** Contributor  
Science

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A strange convergence led to this essay. While driving, the song "One In Ten" by UB40 cycled on my playlist. It is one of my favorite songs and chronicles the perspective of a person living in poverty. The song prompted me to think about recent pushback to a proposed waste station by residents in the county where I reside. Residents of the relatively affluent segment of the county slated to host the facility put forth spirited resistance. This is not surprising and certainly illustrates natural instincts of people to say "not in my backyard" or "it will harm my property values." People instinctively protect their own interests. However, the unfortunate truth is that some segments of our society are better positioned to mobilize, gather legal resources, and articulate their opposition. The "One in Ten" that UB40 were singing about are often not so fortunate, and this has led to a disproportionate number of waste facilities, petrochemical factories, and hazardous dumping in low-income or marginalized communities. This is why the field of environmental justice (EJ) evolved. What is environment justice?



Environment justice arose because of disproportionate hazards to vulnerable communities. NIH WEBSITE

To answer the question, I must start with Dr. Robert Bullard, Distinguished Professor at Texas Southern University. He is considered by many (and me) to be the father of the environmental justice movement. Bullard's website provides an appropriate definition:

Environmental justice embraces the principle that all people and communities have a right to equal protection and equal enforcement of environmental laws and regulations....Today, zip code is still the most potent predictor of an individual's health and well-being. Individuals who physically live on the "wrong side of the tracks" are subjected to elevated environmental health threats and more than their fair share of preventable diseases....Reducing environmental, health, economic and racial disparities is a major priority of the Environmental Justice Movement.

While I have long been familiar with Professor Bullard, my first hand experience with environmental justice issues came from a collaboration with my colleague Professor Nik Heynen at the University of Georgia. Heynen, who studies political ecology and environmental justice issues, asked me to collect air quality data in a small community located in Gainesville, Georgia. Through this effort, I became aware of the Newtown Florist Club (NFC). This excerpt from the Southern Changes website at Emory University notes:

Following a deadly tornado that ripped through Gainesville in 1936, segregated housing for black residents was built on a landfill beside the railroad tracks. Industrial development burgeoned in close proximity. Formed by women of Newtown in the 1950s, the Florist Club started with members caring for the sick and buying flowers for community funerals. Through the turbulent 1960s and 70s, the Florist Club members became vocal leaders for civil rights and community improvement. By early 1990, members of the Club realized that many in the community had been dying from the same kinds of cancer and from lupus. Suspicious, they began canvassing the neighborhood, taking family histories and piecing together a puzzle that remains unsolved.

The story of the Newtown Florist Club is one of many around the nation. These facts and statistics paint a picture of the scope of the environmental justice problem:

- Poor communities, as defined by the poverty line guidelines, have a 35 percent higher burden from particulate matter emissions (EPA and Sierra Club).
- People of color represent 56% of the population that live in neighborhoods with toxic release inventory facilities (University of Michigan's Center For Sustainable Systems).
- Most landfill or waste facilities are disproportionately placed near people of color and economically-disadvantaged populations (Qz.com, the Nation and the Government Accountability Office).

- Wastewater storage units from hydraulic fracturing (fracking) are disproportionately located in economically-disadvantaged neighborhoods or communities of color (American Journal of Public Health).

Mustafa Ali, one of the founders of the Environmental Protection Agency (EPA) Office of Environmental Justice, resigned in 2017 after his budget was essentially "zeroed" out. In his resignation letter to then EPA Administrator Scott Pruitt, Ali said:

I would be remiss if I did not point that while we have made great strides in protecting air, water, and land for most of our citizens, there are still many disproportionate environmental impacts occurring in our most vulnerable communities. Communities of color, low-income communities and indigenous populations are still struggling to receive equal protection under the law. These communities both rural and urban often live in areas with toxic levels of air pollution, crumbling or non-existent water and sewer infrastructure, lead in the drinking water, brownfield from vacant former industrial and commercial sites, Superfund and other hazardous waste sites.....

The water crisis in Flint, Michigan became a high profile example of an environmental justice issue. It is as much a story about poverty and race as it is water quality. The sad reality is that for every Flint, there is a Newtown Florist Club fighting to be heard also.

The residents in Gwinnett can claim victory. The request for the waste facility was withdrawn. I resonate with a desire not to have such facilities in our "own backyards." However, I also hope that the facility or future "undesirable" infrastructure that supports *all of our* lifestyles does not end up in a marginalized community that has no resources to fight back.

BREAKING

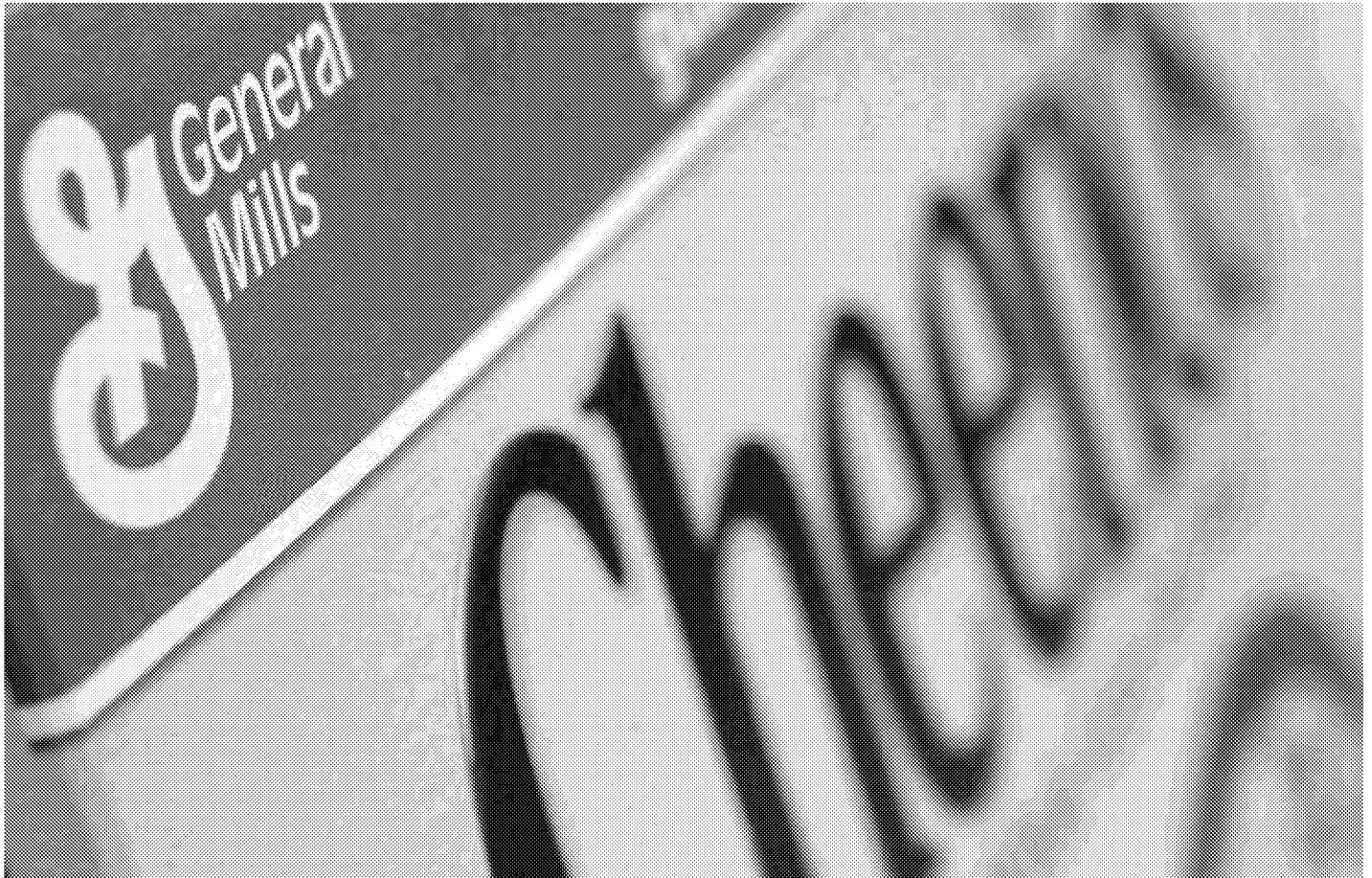


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## Watchdog group finds weedkiller ingredient in cereals at levels it considers unsafe for children

From Staff Reports 11 min ago



Glyphosate, in the weedkiller Roundup, was detected in all 21 oat-based cereal and snack products sampled in a new round of testing commissioned by the Environmental Working Group. Cheerios plain cereal was among those varieties testing the highest for glyphosate parts per billion. Associated Press file

STF

A children's health watchdog group found levels of a brand name weedkiller ingredient in General Mills' cereals in testing.

The Environmental Working Group's Children's Health Initiative found glyphosate, the main ingredient in the herbicide Roundup, in **21 samples of General Mills' products**, with 17 samples having levels higher than what the group considers safe.

The two products with the highest levels were Honey Nut Cheerios Medley Crunch at 833 parts per billion and Cheerios with 729 ppb. EWG considers any level higher than 160 ppb unsafe for children.



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The U.S. Environmental Protection Agency has a **higher threshold** for glyphosate content — in crops including corn, soybeans, oil seeds, grains, and some fruits and vegetables — ranging from 0.1 to 310 parts per million, rather than per billion. In December 2017, the EPA issued a **Draft Risk Assessments for Glyphosate** concluding that glyphosate is not likely to be carcinogenic in humans.

Bayer-Monsanto, the makers of Roundup, have been involved in multiple lawsuits concerning glyphosate's links to cancer. The weedkiller is sprayed on oats as a drying agent to kill the crop for harvesting faster, according to a news release.

EWG performed its testing in July 2018 and October 2018. The EPA's most recent **glyphosate testing report** is from 2016.